

FILED**OCT 17 2022**CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

1 Your Name: Larry Golden
 2 Address: 740 Woodruff Rd 1102 G'ville SC 29
 3 Phone Number: 864-288-5605
 4 Fax Number: _____
 5 E-mail Address: atpg-tech@charter.net
 6 Pro Se

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 Division [check one]: ☒ San Francisco ☐ Oakland ☐ San Jose ☐ Eureka

12 _____) Case Number: 3:22-cv-04152-VC
 13 Larry Golden)
 14 Plaintiff,) [Check box for party submitting statement]:
 15 vs.) ☒ Plaintiff's ☐ Defendant's
 16 Apple Inc.) **CASE MANAGEMENT STATEMENT**
 17 _____)
 18 _____) DATE: 10/26/2022
 19 _____) TIME: _____
 20 _____) JUDGE: Hon. Vince Chhabria
 21 Defendant.)
 22 _____)
 23 _____)
 24 _____)
 25 _____)
 26 _____)
 27 _____)

28 *[See the Instructions for more detailed information about how to complete this template.]*

1. JURISDICTION*Mark the option that applies to your case.*

This Court has subject matter jurisdiction in this case under:

☒ Federal question jurisdiction because it is about federal laws or rights. *[List the laws or rights involved]* Sherman Act, Clayton Act, Direct Infringement, Contributory Infringement, Joint Infringement, Unjust Enrichment

☒ Diversity jurisdiction because none of the Plaintiffs live in the same state as any of the Defendants AND the amount of damages is more than \$75,000.

2. SERVICE*Complete the table to show when each defendant was served with the Complaint and whether any defendant will argue that this Court is not the correct one to decide this case.*

| Defendant's Name | Date Served or Expected to Serve | Does Defendant dispute that the Court has personal jurisdiction? | Does Defendant dispute that this is the correct venue? |
|------------------|----------------------------------|---|---|
| Apple, Inc. | August 9, 2022 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |

☐ Check box if there are more defendants, and provide the above information for each defendant on an additional page at the end of this document.

3. FACTS*Give a short description of the important facts in this case including facts that you and the other side disagree about. Add an additional page if needed.*

The Defendant does not have any genuine dispute to Plaintiff's alleged violations of the Sherman Act, Clayton Act, Direct Infringement, Joint & Contributory Infringement, and Unjust Enrichment Claims. Thereby, Plaintiff is entitled to summary judgement as a matter of law.

Plaintiff and Defendant disagree that this Case is ready to be tried by jury. Plaintiff's evidence to be presented to the jury includes: 1) One hour video of Plaintiff's conception [2004 filed with the USPTO] of Plaintiff's CMD C device; 2) One hour video of the DHS conception of a new and improved cell phone [2007-08 contracted award to Apple]; and, 3) Video of Gov't, proclaiming Jobs/Apple not inventor of the smartphone

4. LEGAL ISSUES*Briefly explain the laws the Plaintiff says the Defendant violated.*

Antitrust: Defendant's motive to conspire in restraint of trade while performing work under a Gov't contract includes: cannot be held liable for infringing a patent; any part of the process performed abroad [up to year 2012] the Gov't cannot be held liable for patent infringement; and creating and maintaining monopoly power with the target market of 300 million consumers who currently [2007] use cell phones and who upgrade every two to three years.

Infringement: Apple products directly infringes on Plaintiff's patented inventions; Apple is jointly infringing with Google [reviewed by the Federal Circuit, "map claim limitations to infringing product features ... in a relatively straightforward manner"] contributory inf.

5. MOTIONS*Complete the table to list any motions that have been filed or might be filed.*

| Party filing motion | Type of Motion | Date of Ruling (or "pending" or "to be filed") |
|---------------------|--------------------------------------|---|
| Plaintiff | Summary judgement / Injunc. relief | Pending / To be filed |
| Pliantiff | Amendment [joint infringing. Google] | To be filled |

☐ Check box if there are more motions and add a page at the end with additional information.

6. AMENDING THE COMPLAINT, ANSWER, COUNTERCLAIM/CROSSCLAIM*Mark one option to tell the Court whether you plan to change your claims or defenses.*

- The submitting party [name] Larry Golden

☐ does not plan to amend the Complaint.

☒ plans to amend the Complaint by [date] after decision on summary judgemen

☐ Check box if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.

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7. EVIDENCE PRESERVATION

Parties to a lawsuit must make sure that they are protecting and not destroying evidence that might be used in the case. Check the correct box or boxes.

- The submitting party [name] Larry Golden has
 - ☐ reviewed the Guidelines for the Discovery of Electronically Stored Information
 - ☐ spoken with the opposing parties about preserving evidence relevant to the issues one could reasonably understand to be part of this case
 - ☐ plans to do the above by [date] _____

☐ Check if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.

8. INITIAL DISCLOSURES

Initial Disclosures are lists of information that the parties must send each other at the beginning of a case. Check the box that applies, and provide the agreed date if needed.

- ☒ Parties have sent each other Initial Disclosures.
- ☐ Parties have not yet sent each other Initial Disclosures, but agree to exchange them by [date] _____

9. DISCOVERY

Give a short description of what you plan to investigate during discovery and if there are any discovery issues.

Plaintiff is Pro Se and is limited to discovery from the internet [product specs. etc]

Plaintiff believes he has submitted enough factual allegations that are supported by

enough factual documentaion for the Court to determine Defendant has no geniune

dispute to the illegal conduct Plaintiff has alleged Defendant has cause. Plaintiff is

prepared to send Defendant the three videos Plaintiff intends to show the jury

1) Plaintiff's conception of the CMDC [smartphone] device-2004

2) DHS conception of the new, useful, and improved upon cell phone-2007

3) The Gov't [Nancy Pelosi] rejection that Jobs/Apple invented the smartphone

10. CLASS ACTIONS

Not applicable.

11. RELATED CASES

Check the correct box to explain whether you are aware of any cases related to this one. If you check the second box, list the case number and the court, government agency, or other administrative body that will decide that case.

The party submitting this statement

☐ is not aware of any related cases.

☒ is aware of related cases [list cases]: Golden v. Qualcomm; Golden v. Intel
Golden v. Google; Golden v. US (petition rehearing at the Federal Circuit)

12. RELIEF SOUGHT

State what the Plaintiff wants from the Defendant, or wants the Court to do, including any amount of money sought and how that amount was calculated. If a Defendant filed a counter or crossclaim, state the same information for the Defendant. Insert a page if needed.

Apple's actual and estimated revenues from 2010 thru 2026 is \$5 Trillion. A reasonable royalty is 10% [\$500 billion]. Plaintiff asked the Court to award 1% [\$50 billion]. Plaintiff most recent settlement offer was 1/10th of 1% [\$5 billion]. The Defendant turned it down. Plaintiff is now seeking relief granted by a jury that not only includes monetary damages of at least 5%, but include an ownership stake in Apple. Plaintiff will show the jury Plaintiff is responsible for at least 50% of Apple's success. Plaintiff will also seek triple damages under the Clayton Act, and triple damages for willful infringement.

13. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION ("ADR")

Check at least one box in each section. If you need information to help you decide how to resolve the case, explain what that information is.

The parties:

The submitting party agrees to the following form of

☒ have tried to settle the case.

ADR:

☐ have not tried to settle the case.

☐ Settlement conference with a magistrate judge

☐ Mediation

☐ Other _____

Information needed: Plaintiff is asking the Court to allow a jury to decide damages and award.

14. CONSENT TO HAVE A MAGISTRATE JUDGE HEAR THE CASE

Mark one option to let the Court know if you consent to have a magistrate judge hear the case.

- The submitting party [name] Larry Golden

☐ does consent to a magistrate judge.

☐ does not consent to a magistrate judge.

☐ Check box if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.

15. OTHER REFERENCES

In unusual cases, the judge may refer a case to another decision-maker. If this is one of those cases, cross out "Not Applicable," and write in who should hear this case.

Not applicable.

16. NARROWING OF ISSUES, CLAIMS, OR DEFENSES

Use this section to explain if issues in this case could be resolved by agreement or by written papers submitted by the parties ("motion"). Check the box that applies, and explain.

☐ Not applicable.

☒ Issues that can be resolved by agreement: Settlement. Expediting the Case
to a jury

☐ Issues that can be resolved by motion: _____

17. EXPEDITED TRIAL PROCEDURE

If you have questions about the Court's Expedited Trial Procedure, contact the Legal Help Center.

Not applicable.

18. SCHEDULING

The Court usually fixes the case deadlines. If you want to propose a schedule, you can do so below. Be sure you will be in town and able to meet any deadlines proposed.

☒ Agree to have Court set deadlines.

☐ Proposed deadlines: _____

19. TRIAL

Check the box that applies and estimate how long the trial will last.

☒

This case will be tried by a jury. The trial is expected to last 2 days.

☐

This case will be tried by a judge. The trial is expected to last ____ days.

20. DISCLOSURE OF NON-PARTY INTERESTED PERSONS OR ENTITIES

This Section tells the Court if anyone who is not named as a party in the case will be affected by the outcome. Usually, if you are representing yourself, the answer is "None." If there is an "interested party," cross out "None" and write in the names.

None.

21. OTHER MATTERS

Use this section to discuss other issues that would assist with the just, speedy, and inexpensive resolution of this case.

A just, speedy, and inexpensive resolution of this case is to move the case to a trial by jury.

NOTE: This document should not be longer than ten pages, including any pages you add at the end. Each party submitting this statement must sign and date below.

Date: 10/14/2022

Sign Name:

Print Name:

Larry Golden

Pro se

1 *Use this page if you need additional space for any Section. Be sure to write the Section number.*

2 Apple was knowledgeable of Plaintiff' s communicating, monitoring, detecting, and
 3 controlling devices since at least 2010 when Plaintiff made a request on Apple to cease
 4 and desist, and enter into a licensing agreement with Plaintiff. Under 35 U.S.C. 122(e),
 5 which provides a mechanism for third parties [Apple] to submit patents, published
 6 patent applications, or other printed publications of potential relevance to the
 7 examination of a patent application to prevent the grant of a patent. Apple could have
 8 intervened to invalidate Plaintiff's '752, '761, '891, '990, and '280 patents between years
 9 2010-2013, Apple failed to do so. Apple could have intervened to invalidate Plaintiff's
 10 '189, '439, '287 and '619 patents between years 2015-2021 that has 25 Independent
 11 patent claims for the smartphone; but, failed to do so. Under the Leahy – Smith
 12 American Invents Act that was passed by Congress in 2011, Apple could have, after
 13 receiving knowledge of Plaintiff's patent subject matter in 2010, filed at the USPTO
 14 PTAB a petition for inter partes review (IPR) to invalidate any or all of Plaintiff's patents.
 15 Apple fail to do so. Plaintiff made another attempt at getting Apple to accept a license,
 16 or cease and desist in 2019. Apple's IP Executive denied my offer. Apple was notified
 17 to appear in 2020 in the related COFC Case No. 13-307C Golden v. US to protect any
 18 interested Apple has for the patent infringement allegations made against certain Apple
 19 products. Apple could have appeared to present any invalidity contentions. Apple
 20 failed to appear. In a telephone conversation with Apple's Attorneys on 10/12/2022,
 21 Plaintiff asked if Apple has a patent that antedates Plaintiff's patents priority date, and
 22 if so, they could present the patent and possibly end Plaintiff's case against Apple.
 23 Apple could not produce a patent and said maybe that's something we can present in
 24 discovery. For 12 years Apple could have presented evidence to show Apple products
 25 do not infringe Plaintiff's patents; Plaintiff's patents are invalid; that the cease and
 26 desist request was not proper; and, Apple does not need to license Plaintiff's
 27 patented inventions. Plaintiff is entitled to Summary Judgement as a matter of law.
 28

Sincerely,

A handwritten signature in black ink, reading "Larry Golden", is positioned above a horizontal line.

Larry Golden, *Pro Se* Plaintiff

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Greenville, SC 29607

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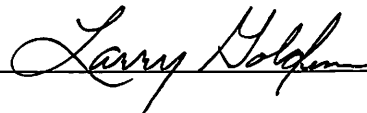
(M) 8649927104

Email: atpg-tech@charter.net

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of October, 2022, a true and correct copy of the foregoing "Plaintiff's Case Management Statement", was served upon the following Defendant by priority "express" mail:

Jack P. DiCanio
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